

INTERNATIONAL ORGANIZATIONS DIVISION

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The International Week

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Meanwhile the GA adjourned on an irresponsible note as a Catholic-Soviet-Arab coalition forced through a recommendation to internationalize Jerusalem. Prior thereto the GA adopted a resolution urging respect for China's integrity and referring the Nationalist charges against the USSR to the Little Assembly for examination and study.

THE 1949 GENERAL ASSEMBLY

The recent General Assembly session was effective primarily in the war of ideas, where it emphatically registered the almost universal resentment against the obstructive and negative role played by the USSR in the field of international cooperation. Notwithstanding Soviet acquisition of the atomic bomb, this adverse reaction to the Soviet peace offensive was more sharply and decisively articulated than ever before, resulting in overwhelming defeat of the Soviet proposal for a big-power "peace pact." A major factor in this trend was the rupture between Tito and the Cominform, since simultaneous Soviet threats against Belgrade dramatically exposed the hollowness of Moscow's elaborately mounted "peace" drive. Early in the session, Yugoslavia's successful campaign for election to the Security Council in the teeth of raging Soviet opposition set an example for many small nations previously wont to abstain on controversial issues for fear of offending the USSR. By the conclusion of the session, the Soviet delegation apparently became aware of the unprecedented extent of the hostility to their tactics, which must have taken them somewhat by surprise despite their habituation to a minority role in the UN. Although the GA was nevertheless unable to take any specific action to reduce the cold war, the chorus of disapprobation must indicate to the USSR the number of nations aligned against it and probably exercises some mitigating restraint on Soviet aggressiveness. However, resting as it does on the somewhat intangible basis of world opinion, the extent of such influence as a curb on Politburo adventures is difficult to gauge accurately.

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In the area of concrete accomplishment as contrasted with propaganda warfare, the GA was less successful. Increased tension between the western powers and the USSR early extinguished whatever slim chances the GA had of working out a settlement of the Greek case. The GA, while increasingly aware of the urgency of the issue, failed to make any progress whatever toward agreement on atomic energy control. On the other hand it did succeed in reaching a decision on disposal of two of the three former Italian Colonies, although the settlement itself, reflecting the rising tide of anti-colonial sentiment within the GA, displays dubious wisdom in accelerating the independence of politically immature populations. It does have the merit of at least excluding the Soviet bloc from any legal voice in the territories and will probably enable the UK to perfect desired defense arrangements in Libya. The GA also unanimously approved a technical assistance program for backward areas, thus affording the US an opportunity to exploit the political and economic advantages of the President's Point IV.

The session was notable for the strong cleavage between the colonial and anti-colonial powers on trusteeship and related matters. Here again the GA manifested a strong anti-colonial trend, arousing marked resentment among the European colonial states. In the field of international law, the GA displayed a greater tendency than heretofore to seek advisory opinions of the International Court. Just before adjournment, the UK and US suffered perhaps their worst setback when an incongruous combination of the Vatican, the Kremlin, a Latin American group and the Arab states forced through a wholly unworkable and mischievous proposal for full internationalization of Jerusalem. The repercussions of this act cannot but be damaging to UN prestige.

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Deadlock in UN trusteeship system not likely. The cleavage between colonial and non-colonial powers in the UN has been more than ever evident in this year's General Assembly where the non-colonial powers, taking the ball early in the game, have rushed forward to pass nineteen resolutions increasing UN supervision over dependent areas. Angry and alarmed, Belgium has stated that it may have to refuse to file further reports on its non-self-governing territories; France has suggested that the US, which for the most part voted with the non-colonial powers, reconsider its position; while the UK announced it will not furnish political information on its colonies. To a great extent, however, the moderate language of the resolutions, which employ such words as "invite," "recommend," or "consider the desirability of," should permit the colonial powers to disregard some of their

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provisions without risking more than severe criticism, at least for the time being. Beyond this, Trusteeship Council preoccupation with the drawing up of agreements for Jerusalem and Italian Somaliland will give the colonial powers a breathing spell during which they may consider a new approach to problems raised by the UN. Despite the resentment of the colonial powers, an impasse in the system itself does not seem probable.

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ICJ's increased business. After three years of placid existence, hearing only one case and handing down only one advisory opinion, the International Court of Justice (ICJ) has emerged as an active UN organ whose offices are being increasingly sought. After holding Albania liable in the Corfu Channel case early this year, the Court is at present determining individual claims arising from the incident. In addition, the ICJ has been asked by the recent GA for advisory opinions on: (1) the alleged violations of the human rights clauses of the satellite peace treaties; (2) the obligations of South Africa as to South-West Africa under the League of Nations mandate and the UN Charter; and (3) the necessity for prior SC recommendation of a state for UN membership. Other disputes recently laid before the Court by the parties concerned are the old UK-Norway controversy over fishing rights in certain Norwegian waters; and the Colombia-Peru quarrel over the asylum given in the Colombian Embassy in Lima to the Peruvian leader, Haya de la Torre.

While the ICJ is too dignified to "drum up business," its President has declared that the Court is at all times available to states which wish to bring their differences to it; and all too many long-standing legal disputes, appropriate for adjudication by the ICJ, exist. Moreover, the recent UN session established a procedure for non-member states such as Switzerland to adhere to the ICJ statute. We may accordingly expect an increasing number of cases to appear on the ICJ calendar, and that soon the Court will follow the example of its prototype, the US Supreme Court, and find more than enough litigation to divert what had previously been the ample leisure of the distinguished jurists who adorn the bench.

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SC faces difficult negotiations over Kashmir. The SC, having so far failed to solve the Pakistan-India conflict over Kashmir, will probably try a new approach recommended by the UN Commission which involves naming a single mediator-arbitrator to seek a settlement. Without abandoning any of the gains already made by UNCIP, the Council hopes in private negotiations with GOI and GOP to secure broad and flexible authority for the mediator to permit him to explore arbitration fully, while, at the same time, giving him latitude to use other methods in case India's attitude rules out arbitration.

The Council's preliminary negotiations with India and Pakistan are apt to be long and difficult. Pakistan, agreeable to arbitration, is becoming increasingly impatient for settlement and, unless the SC is able to bring about a definite step towards a plebiscite in Kashmir, trouble might break out in the sub-continent. However, Nehru, although he professes to adhere to the "principle of arbitration" has held so far that arbitration cannot be used to effect demilitarization of Kashmir, a condition necessary to the holding of a final plebiscite. Nehru also continues to show stubborn coolness toward Nimitz, favored as mediator-arbitrator by the Council, and Indian agreement to conferring broad authority, including arbitration, upon Nimitz will be slow in coming, if at all. The SC also finds itself working against time, for its task will become even more complicated if the groundwork for a new Kashmir resolution is not laid in December. In January the Chinese Nationalist representative on the SC will assume the presidency and by that time the Chinese Communists will probably have been accorded Indian recognition.

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